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October 26, 2022

**Via ECF**

Honorable Stewart D. Aaron  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1970  
New York, NY 10007

Re: ***United States of America and States of the United States, ex rel.  
Donohue v. Richard Carranza, et al.; Case No: 1:20-cv-5396-GHW***

Dear Judge Aaron:

As you know, this office represents Defendants Wake County Public School District and Cathy Quiroz-Moore (“Wake Defendants”). The undersigned wishes to respond to Plaintiff-Relator’s letter filed yesterday as it relates to state law claims against Wake Defendants in the Second Amended Complaint (“SAC”). (Docket No. 203).

The undersigned did meet and confer with counsel for Plaintiff-Relator, Attorney Rousseau, as described in the letter, however, Attorney Rousseau omitted perhaps the most important portion of the conversation: The undersigned took the position that Plaintiff-Relator did not plead state law claims against Wake Defendants.<sup>1</sup> The letter mistakenly does not allude to such a position being taken. Moreover, the undersigned expected to receive a copy of the aforementioned letter prior to filing, but was not afforded such an opportunity despite understanding a draft would be forwarded for review.

As Attorney Rousseau’s letter states, only paragraphs 11 and 233 of the SAC reference North Carolina General Statute sections 1-605-617, *et seq.* Of the 17 causes of action clearly enumerated in the SAC, none address North Carolina state law. Aside from the federal False Claims Act causes of action enumerated in Counts 1-4, the SAC lists state-specific causes of action for New York (5-10), Massachusetts (11), Connecticut (12), Illinois (13), Virginia (14), New Jersey (15) Texas (16), and California (17). No such dedicated claim is put forth for North Carolina. To further substantiate this point, this Court need only look to the citations in Attorney Rousseau’s letter as they relate to the Massachusetts Defendants in that paragraphs 194-197 of the SAC correspond to Claim 11. There is no such corresponding citation for North Carolina.

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<sup>1</sup> Wake Defendants pending motion to dismiss addresses this very topic.

While the undersigned remains willing to work with counsel for Plaintiff-Relator in the manner described in the letter should this Court accept Plaintiff-Relator's position regarding adequately pleading North Carolina state law claims, this apparent deficiency should not be overlooked nor should the fact that it was a point of discussion during the meet and confer between both sides.

The undersigned thanks the Court for its consideration of the foregoing.

Respectfully,

/s/John A. Darminio  
John A. Darminio